



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

February 5, 2007

CERTIFIED MAIL

Mr. Terry Drexler
Basin Oil
(b) (6)
Snohomish, Washington 98290

Mr. Drexler:

Re: Immediate Action Required

Dangerous Waste Compliance Inspection at Basin Oil
8661 Dallas Avenue South and 8617 17th Avenue South, Seattle
RCRA ID#: 988477501

The Washington State Department of Ecology (Ecology) conducted an inspection at the Basin Oil facility on January 3, 2007. The purpose of this inspection was to determine compliance with the Washington State Dangerous Waste Regulations (Chapter 173-303 of the Washington Administrative Code [WAC]). These regulations establish a system for safe and responsible management of dangerous waste. As a part of the inspection, Ecology was checking on the progress at Basin Oil on completing the four milestones set out in Ecology's January 13, 2006, letter. In that letter, Ecology deferred action on Basin Oil's closure under the Dangerous Waste Regulations, provided four milestones were completed by October 31, 2006.

Of the four milestones, only the first one (i.e., registering for Ecology's Voluntary Cleanup Program) has been completed. Based on the inspection on January 3, 2007, it was clear the other three milestones were not completed. Those milestones were:

- Remove all tanks and associated pipes and structures on the Dallas Avenue property, as outlined in the closure plan, prior to July 30, 2006;
- Complete the characterization and disposal of all wastes on the two Basin Oil properties, as outlined in the closure plan, prior to August 31, 2006, and;
- Complete soil and subsurface investigations, and any remediation activities under Ecology's Voluntary Cleanup Program, by October 31, 2006.

Since the milestones have not been completed, the deferral of the closure process is no longer in effect. Ecology will now proceed with implementation of the closure process at Basin



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Oil. Ecology will also be working with other local, State, and Federal agencies to bring the site into compliance.

In addition, several areas were observed to be out of compliance with the Dangerous Waste Regulations during the inspection. This letter will give you notice of several actions to be taken in order to mitigate potential environmental threats. The actions required below are based upon the following observation:

Basin Oil's owner, Mr. Terry Drexler, provided the following information during a dangerous waste compliance inspection on August 17 and August 19, 2004:

- Approximately 600 55-gallon drums of waste are being stored on a gravel surface in the "west yard" located at 8617 17th Avenue South.
- The drums may contain any of the following: used oil tank sludges from past cleaning of Basin Oil's tanks, used oil filters, oil soaked absorbent pads, asphalt, oil contaminated soil, home heating oil, heating oil tank sludges, or soil contaminated with heating oil.

Please see that the following actions are completed immediately upon receipt of this letter.

1. WAC 173-303-515(6)(a)(i): Containers of used oil must be kept closed except to add or remove used oil.


The inspection on January 3, 2007, confirmed that approximately 600 drums of waste remain on the Basin Oil property. One of the drums is open and beginning to spill its contents into the environment (see photos 16 and 17 below). In addition, oil is contaminating the environment due to a release from a large, open "half tank" of used oil soaked booms and pads (see photo 14 below).


Action: Within two days of receipt of this letter, close all containers of used oil and all containers of materials being handled as used oil. In your written response to this letter, provide a photo of the open drum showing it has been closed and a photo of the "half tank" showing it has been covered.

2. WAC 173-303-515 (6)(b): Standards for Used Oil Generators and WAC 173-303-515 (9) and 40 CFR Part 279.54 (c, d, and e) Standards for Used Oil Marketers and Re-refiners: Secondary Containment: Secondary containment is required for liquids and discretionary for solids.

The inspection on January 3, 2007, confirmed that drums of waste remain on the Basin Oil property. Although some of the drums have recently been moved from the "west yard" to the main yard, the total number of drums of waste on site is approximately 600. Some of the three-high stacks of drums are leaning and in danger of falling over (see photo 16 below). One of the drums is open and beginning to spill its contents (see photo 17 below).

Action: Determine how best to provide secondary containment for drums containing used oil liquids and for drums containing solids with some free flowing liquid. Within 30 days of receipt of this letter, move the drums to an area with secondary containment or move the drums off site for proper disposal. With your written response to this letter, please provide Ecology with documentation that secondary containment has been provided or proper disposal has taken place.

Main Yard (Photo 16 - 10:17 am)	South end of main yard showing leaning stacks of drums on property.	
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Main Yard (Photo 17 - 10:21 am)	Closer view of open drum at top of stack of drums in the south end of the main yard.	
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3. WAC 173-303-070 (3): Waste Designation, as referenced by 170 (1): A solid waste must be properly designated prior to disposal. Procedures must be followed for determining if a solid waste is also a dangerous waste or an extremely hazardous waste.

The inspection on January 3, 2007, confirmed that approximately 600 drums of waste remain on the Basin Oil property.

Action: Within 30 days of receipt of this letter, provide Ecology with documentation that designation of the tank bottom sludges has occurred. This documentation shall include, but not be limited to, copies of the analytical results of designation testing and any contracts with testing laboratories.

4. WAC 173-303-515(9): Standards for used oil processors and rerefiners and, by reference, 40 CFR Part 279.52 General Facility Standards.

WAC 173-303-515(9): Standards for used oil processors and rerefiners. For the purpose of managing materials under this section, 40 CFR Parts 279.50 through 279.59 are incorporated by reference. The standards for used oil processors and rerefiners under this subsection are those federal regulations listed above and the following:

- (a) In addition to the general facility standards of 40 CFR Part 279.52, owners and operators of used oil processing and/or rerefining facilities regulated under this subsection are subject to the following:**
- (i) Used oil and other materials managed under the standards for management of used oil (e.g., oil filters that have not been drained, used oil recovered from absorbents and rags, soils contaminated with used oil, oil recovered from oil water separators, or residues from storing or processing used oil) may be stored on-site without a permit for ninety days prior to entering an active recycling process. An active recycling process refers to a dynamic recycling operation that occurs within the recycling unit such as a distillation or centrifuge unit. The phrase does not refer to passive storage-like activities that occur, for example, when tanks or containers are used for phase separation or for settling impurities.**

The inspection on January 3, 2007, confirmed that drums of waste remain on the Basin Oil property. Although some of the drums have recently been moved from the "west yard" to the main yard, the total number of drums of waste on site is approximately 600. Drums that contain wastes that are being handled as used oil (such as residues from storing or processing used oil) have been stored for more than two years without entering a recycling process.

Action: Within 30 days of receipt of this letter, remove the drums that contain wastes that classify as used oil and dispose of the wastes properly. In your written response to this letter, provide a description of how this was accomplished.

5. WAC 173-303-515(9): Standards for used oil processors and rerefiners and, by reference, 40 CFR Part 279.52 General Facility Standards.


WAC 173-303-515(9)(a): Preparedness and prevention. Owners and operators of used oil processors and re-refiners facilities must comply with the following requirements:

- (1) Maintenance and operation of facility. Facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water which could threaten human health or the environment.**

WAC 173-303-515(6) and by reference 40 CFR Part 279.22(d): A used oil generator must respond to releases of used oil to the environment and perform the following cleanup steps: a) stop the release; b) contain the released used oil; c) clean up and manage properly the released used oil and other materials; and d) repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

The inspection on January 3, 2007, confirmed that drums of waste remain on the Basin Oil property. Although some of the drums have recently been moved from the "west yard" to the main yard, the total number of drums of waste on site is approximately 600. Some of the three-high stacks of drums are leaning and in danger of falling over (see photo 16 above). One of the drums is open and beginning to spill its contents into the environment (see photo 17 above). In addition, oil has been released from a "half tank" of used oil soaked booms and pads (see photo 14 below).

Action: Within 30 days of receipt of this letter, ensure that any releases of used oil and contaminated soil are cleaned up and properly managed. Also insure that any imminent hazards, such as leaning stacks of drums or open container of waste, are handled to prevent releases to the environment. In case of oil releases in the future, perform the cleanup steps listed above. In your written response to this letter, provide a description and/or documentation demonstrating that the imminent hazards have been removed and releases have been cleaned up.

Main Yard (Photo 14 - 10:16 am)	South end of main yard showing release to the environment from a large container of oil contaminated booms and pads.	
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To correct these items of non-compliance, you are required to complete the actions needed to achieve compliance as listed in this letter and forward a copy of the required documentation to Barbara Smith at the Department of Ecology by **March 7, 2007**. **Please be advised that failure to correct these out of compliance items may result in the issuance of an administrative order and/or penalty as provided by the Hazardous Waste Management Act (RCW 70.105.080 and/or .095).**

Please do not hesitate to call me at (425) 649-7026 should you have questions or require clarification of any items in this letter.

Sincerely,



Barbara Smith, Hazardous Waste Specialist
Hazardous Waste and Toxics Reduction Program

cc: Terry Drexler, Basin Oil, PO Box 24906, Seattle, WA 98124-0906 (Certified Mail)
Terry Drexler, Basin Oil, 8661 Dallas Ave S, Seattle, WA 98108-4854 (Certified Mail)
Terry Drexler, Basin Oil, Primitive Park Road, Leavenworth, WA 98826 (Certified Mail)
Dan Cargill, Ecology
Dale Myers, Ecology
Beth Schmoyer, City of Seattle
Rick Thomas, Ecology
RCRA Info. / Central Records